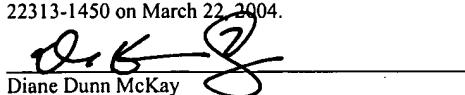
*Shape*

1631

The undersigned certifies that this communication is being deposited with the United States Postal Service as prepaid first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 22, 2004.


Diane Dunn McKay

Docket No. 4752-105 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
HARCHEKAR et al. :
Serial No. 10/051,877 : Group Art Unit: 1631
Filed: October 25, 2001 : Examiner: LY, Cheyne D.
Title: CU-ZU-A1 (6%) SHAPE MEMORY :
ALLOY WITH LOW MARTENSITIC :
TEMPERATURE AND A PROCESS FOR ITS :
MANUFACTURE :
X

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In a March 12, 2004 Office Action, the Examiner required restriction to one of the following groups:

- I. Claims 1-6, drawn to an alloy, classified in class 420, subclass 478.
- II. Claims 7-12, drawn to a method, classified in class 148, subclass 563.

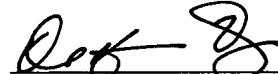
Applicants hereby elect with traverse Group I, claims 1-6, drawn to an alloy, classified in class 420, subclass 478, for prosecution in this application. Applicants submit that a search of the method of Group II would uncover the products or articles of Group I. Applicants respectfully request the right to file a divisional application directed to the nonelected claims.

Applicants note that claims 1-6 refer to a shape memory alloy of a particular martensitic transformation temperature. The process recited in claims 7-12 for lowering is specific to the shape memory alloy of a particular martensitic transformation temperature, and this alloy has a particular composition with specific concentration ranges. Applicants note that a person skilled in the art can not assume that any shape memory alloy of any constitution would work in a similar fashion as the alloy of the instant application. Accordingly, it is respectfully requested that the Examiner withdraw the restriction requirement and examine all the claims of the application.

A prompt action on the merits is earnestly solicited. The Examiner is invited to telephone the undersigned should he believe this would expedite prosecution of this application. It is believed no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

Dated: March 22, 2004



Diane Dunn McKay
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